

Exhibit C

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE: Bair Hugger Forced Air Warming
Products Liability Litigation

MDL No. 15-2666 (JNE/FLN)

This Document Relates to All Actions.

PLAINTIFF(S)

**WILLIAM J. BALBACH & MARY
BALBACH**

VS.

**3M COMPANY AND ARIZANT
HEALTHCARE, INC.**

**AMENDED EXHIBIT B TO PRETRIAL
ORDER #8 –
FIRST AMENDED MASTER SHORT
FORM COMPLAINT AND JURY
TRIAL DEMAND**

1. Plaintiff, William J. Balbach, states and brings this civil action in MDL No. 15-2666, entitled *In Re: Bair Hugger Forced Air Warming Products Liability Litigation*. Plaintiff(s) [is/are] filing this Short Form Complaint as permitted by Pretrial Order #8 of this Court.

PARTIES, JURISDICTION AND VENUE

2. Plaintiff, William J. Balbach, is a resident and citizen of the State of Georgia and claims damages as set forth below.

3. Plaintiff's Spouse, Mary Balbach, is a resident and citizen of the State of Georgia, and claims damages as set forth below.

4. Jurisdiction is proper based upon diversity of Citizenship.

5. Proper Venue: The District Court in which remand trial is proper and where

this Complaint would have been filed absent the direct filing order by this Court is The United States District Court, Southern District of Georgia, Waycross Division.

6. Plaintiff brings this action [*check the applicable designation*]:

X On behalf of [himself/herself];
____ In a representative capacity as the _____ of the
_____ having been duly appointed as the
_____ by the _____ Court of
_____. A copy of the Letters of Administration
for a wrongful death claim is annexed hereto if such letters are
required for the commencement of such a claim by the Probate,
Surrogate or other appropriate court of the jurisdiction of the decedent.

[Cross out if not applicable.]

FACTUAL ALLEGATIONS

7. On or about January 24, 2007, Plaintiff underwent surgery during which the Bair Hugger Forced Air Warming system (hereinafter “Bair Hugger”) was used during the course and scope of [his/her] Right Knee Replacement at the Satilla Regional Medical Center, 410 Darling Avenue in Waycross, GA, by Dr. John W. Cope.

8. Contaminants introduced into Plaintiff’s open surgical wound as a direct and proximate result of use of the Bair Hugger during the subject surgery resulted in Plaintiff developing a periprosthetic joint infection (“PJI”), also known as a deep joint infection (“DJI”). The Pathogen identified was unknown.

9. As a result of Plaintiff’s infection caused by the Bair Hugger, Plaintiff has undergone multiple stages procedures on or about, at April 3, 2007, June 6, 2007 and

August 10, 2007 at The Satilla Regional Medical Center in Waycross, GA by Dr(s). John Cope.

ALLEGATIONS AS TO INJURIES

10. (a) Plaintiff claims damages as a result of (check all that are applicable):

 X INJURY TO HERSELF/HIMSELF

 INJURY TO THE PERSON REPRESENTED

 WRONGFUL DEATH

 SURVIVORSHIP ACTION

 X ECONOMIC LOSS

(b) Plaintiff's spouse claims damages as a result of (check all that are applicable): [*Cross out if not applicable.*]

 X LOSS OF SERVICES

 X LOSS OF CONSORTIUM

11. Defendants, by their actions or inactions, proximately caused the injuries to Plaintiff(s).

DEFENDANT-SPECIFIC ALLEGATIONS AND THEORIES OF RECOVERY

12. The following claims and allegations are asserted by Plaintiff(s) and are herein adopted by reference (check all that are applicable):

 X FIRST CAUSE OF ACTION - NEGLIGENCE;

 X SECOND CAUSE OF ACTION - STRICT LIABILITY;

 X FAILURE TO WARN

 X DEFECTIVE DESIGN AND MANUFACTURE

 X THIRD CAUSE OF ACTION – BREACH OF EXPRESS WARRANTY;

X

FOURTH CAUSE OF ACTION- BREACH OF IMPLIED WARRANTY OF MERCHANTABILITY LAW OF THE STATE OF GEORGIA AND/OR PENNSYLVANIA O.C.G.A., §§ 11-2-314-, et seq and/or 13Pa.Stat.Ann. §§2314 et seq;

 X

FIFTH CAUSE OF ACTION- VIOLATION OF THE MINNESOTA PREVENTION OF CONSUMER FRAUD ACT;

 X

SIXTH CAUSE OF ACTION – VIOLATION OF THE MINNESOTA DECEPTIVE TRADE PRACTICES ACT;

 X

SEVENTH CAUSE OF ACTION- VIOLATION OF THE MINNESOTA UNLAWFUL TRADE PRACTICES ACT;

 X

EIGHTH CAUSE OF ACTION- VIOLATION OF THE MINNESOTA FALSE ADVERTISING ACT;

 X

NINTH CAUSE OF ACTION- CONSUMER FRAUD AND/OR UNFAIR AND DECEPTIVE TRADE PRACTICES UNDER LAW OF THE STATE OF GEORGIA AND/OR PENNSYLVANIA O.C.G.A. §§10-1-372, et seq; and/or 73Pa.Stat. §§201-1 et seq

 X

TENTH CAUSE OF ACTION – NEGLIGENT MISREPRESENTATION;

 X

ELEVENTH CAUSE OF ACTION- FRAUDULENT MISREPRESENTATION;

 X

TWELFTH CAUSE OF ACTION – FRAUDULENT CONCEALMENT;

 X

THIRTEENTH CAUSE OF ACTION – LOSS OF CONSORTIUM; and

FOURTEENTH CAUSE OF ACTION – UNJUST ENRICHMENT.

In addition to the above, Plaintiff(s) assert the following additional causes of action under applicable state law:

See Exhibit A

PRAYER FOR RELIEF

WHEREFORE, Plaintiff(s) pray for judgment against Defendants as follows:

1. For compensatory damages;
2. Pre-judgment and post-judgment interest;
3. Statutory damages and relief of the state whose laws will govern this action;
4. Costs and expenses of this litigation;
5. Reasonable attorneys' fees and costs as provided by law;
6. Equitable relief in the nature of disgorgement;
7. Restitution of remedy Defendants' unjust enrichment; and
8. All other relief as the Court deems necessary, just and proper.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff(s) hereby demand(s) a trial by jury as to all claims in Complaint so triable.

Dated: June 14, 2017

Respectfully submitted,

/s/ Christopher L. Coffin
Christopher L. Coffin (LA Bar # 27902)
Nicholas R. Rockforte (LA Bar # 31305)
Jessica A. Perez (LA Bar # 34024)
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**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE: Bair Hugger Forced Air Warming
Products Liability Litigation

MDL No. 15-2666 (JNE/FLN)

This Document Relates to All Actions.

**MASTER SHORT FORM COMPLAINT
AND JURY TRIAL DEMAND**

PLAINTIFF

IRMA GREEN

VS.

**3M COMPANY AND ARIZANT
HEALTHCARE, INC.**

1. Plaintiff, Irma Green, states and brings this civil action in MDL No. 15-2666, entitled *In Re: Bair Hugger Forced Air Warming Products Liability Litigation*. Plaintiff is filing this Short Form Complaint as permitted by Pretrial Order #8 of this Court.

PARTIES, JURISDICTION AND VENUE

2. Plaintiff, Irma Green, is a resident and citizen of the State of Georgia and claims damages as set forth below.

3. Plaintiff's Spouse, _____, is a resident and citizen of the State of _____, and claims damages as set forth below.

4. Jurisdiction is proper based upon diversity of Citizenship.

5. Proper Venue: The District Court in which remand trial is proper and where this Complaint would have been filed absent the direct filing order by this Court is the Northern District of Georgia.

6. Plaintiff brings this action [*check the applicable designation*]:

X On behalf of herself;

FACTUAL ALLEGATIONS

7. On or about July 18, 2005, Plaintiff underwent surgery during which the Bair Hugger Forced Air Warming system (hereinafter “Bair Hugger”) was used during the course and scope of her left knee surgery at North Fulton Hospital located at 2500 Hospital Blvd., in Roswell, GA by Dr. Jeffrey J. Albert.

8. Contaminants introduced into Plaintiff’s open surgical wound as a direct and proximate result of use of the Bair Hugger during the subject surgery resulted in Plaintiff developing a periprosthetic joint infection (“PJI”), also known as a deep joint infection (“DJI”). The pathogen identified is unknown.

9. As a result of Plaintiff’s infection caused by the Bair Hugger, Plaintiff has undergone multiple staged revision procedures on or about October 2005 and November 2005 North Fulton Hospital located at 2500 Hospital Blvd., in Roswell, GA by Dr. Jeffrey J. Albert.

ALLEGATIONS AS TO INJURIES

10. (a) Plaintiff claims damages as a result of (check all that are applicable):

X INJURY TO HERSELF/HIMSELF

_____ INJURY TO THE PERSON REPRESENTED

_____ WRONGFUL DEATH

_____ SURVIVORSHIP ACTION

X ECONOMIC LOSS

11. Defendants, by their actions or inactions, proximately caused the injuries to

Plaintiffs.

DEFENDANT-SPECIFIC ALLEGATIONS AND THEORIES OF RECOVERY

12. The following claims and allegations are asserted by Plaintiff(s) and are herein adopted by reference (check all that are applicable):

- FIRST CAUSE OF ACTION - NEGLIGENCE;
- SECOND CAUSE OF ACTION - STRICT LIABILITY;
- FAILURE TO WARN
- DEFECTIVE DESIGN AND MANUFACTURE
- THIRD CAUSE OF ACTION – BREACH OF EXPRESS WARRANTY;
- FOURTH CAUSE OF ACTION- BREACH OF IMPLIED WARRANTY OF MERCHANTABILITY LAW OF THE STATE OF GEORGIA §§ 11-2-314, et seq;
- FIFTH CAUSE OF ACTION- VIOLATION OF THE MINNESOTA PREVENTION OF CONSUMER FRAUD ACT;
- SIXTH CAUSE OF ACTION – VIOLATION OF THE MINNESOTA DECEPTIVE TRADE PRACTICES ACT;
- SEVENTH CAUSE OF ACTION- VIOLATION OF THE MINNESOTA UNLAWFUL TRADE PRACTICES ACT;
- EIGHTH CAUSE OF ACTION- VIOLATION OF THE MINNESOTA FALSE ADVERTISING ACT;
- NINTH CAUSE OF ACTION- CONSUMER FRAUD AND/OR UNFAIR AND DECEPTIVE TRADE PRACTICES UNDER LAW OF THE STATE OF GEORGIA §§10-1-372, et seq;
- TENTH CAUSE OF ACTION – NEGLIGENT MISREPRESENTATION;
- ELEVENTH CAUSE OF ACTION- FRAUDULENT MISREPRESENTATION;

____X____

TWELFTH CAUSE OF ACTION – FRAUDULENT CONCEALMENT;

THIRTEENTH CAUSE OF ACTION – LOSS OF CONSORTIUM; and

____X____

FOURTEENTH CAUSE OF ACTION – UNJUST ENRICHMENT.

In addition to the above, Plaintiff(s) assert the following additional causes of action under applicable state law:

Gross Negligence/Malice

PRAYER FOR RELIEF

WHEREFORE, Plaintiff(s) pray for judgment against Defendants as follows:

1. For compensatory damages;
2. Pre-judgment and post-judgment interest;
3. Statutory damages and relief of the state whose laws will govern this action;
4. Costs and expenses of this litigation;
5. Reasonable attorneys' fees and costs as provided by law;
6. Equitable relief in the nature of disgorgement;
7. Restitution of remedy Defendants' unjust enrichment; and
8. All other relief as the Court deems necessary, just and proper.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff(s) hereby demand(s) a trial by jury as to all claims in Complaint so triable.

Dated: July 11, 2017

Respectfully submitted,

/s/ Wesley G. Barr

Wesley G. Barr (LA #32332)

Alfred A. Olinde (LA #20061)

THE OLINDE FIRM, LLC

400 Poydras Street, Suite 1980

New Orleans, LA 70130

Tel: (504) 587-1440

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folinde@olindefirm.com

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE: Bair Hugger Forced Air Warming
Products Liability Litigation

MDL No. 15-2666 (JNE/FLN)

PLAINTIFF

DARREN V. JOHNSON

VS.

**3M COMPANY AND ARIZANT
HEALTHCARE, INC.**

**MASTER SHORT FORM
COMPLAINT AND JURY TRIAL
DEMAND**

1. Plaintiff, Darren V. Johnson, states and brings this civil action in MDL No. 15-2666, entitled *In Re: Bair Hugger Forced Air Warming Products Liability Litigation*. Plaintiff is filing this Short Form Complaint as permitted by Pretrial Order #8 of this Court.

PARTIES, JURISDICTION AND VENUE

2. Plaintiff, Darren V. Johnson, is a resident and citizen of the State of Georgia and claims damages as set forth below.

3. Jurisdiction is proper based upon diversity of Citizenship.

4. Proper Venue: The District Court in which remand trial is proper and where this Complaint would have been filed absent the direct filing order by this Court is the District of Minnesota.

5. Plaintiff brings this action on behalf of himself.

FACTUAL ALLEGATIONS

6. On or about January 23, 2006, Plaintiff underwent surgery during which the Bair Hugger Forced Air Warming system (hereinafter "Bair Hugger") was used during the course and scope of his left total hip arthroplasty ("THA") at Emory University Hospital Midtown, in Atlanta, Georgia, by Dr. Shervin Oskouei.

7. Contaminants introduced into Plaintiff's open surgical wound as a direct and proximate result of use of the Bair Hugger during the subject surgery resulted in Plaintiff developing a periprosthetic joint infection ("PJI"), also known as a deep joint infection ("DJI"). The Pathogen was identified as MSSA.

8. As a result of Plaintiff's infection caused by the Bair Hugger, Plaintiff underwent an irrigation and debridement procedure on or about February 2, 2006, repeat irrigation and debridement procedure on or about February 6, 2006, and further irrigation and debridement procedure on or about February 9, 2006, at Emory University Hospital Midtown, in Atlanta, Georgia, by Dr. Shervin Oskouei.

ALLEGATIONS AS TO INJURIES

9. (a) Plaintiff claims damages as a result of:

X INJURY TO HERSELF/HIMSELF

_____ INJURY TO THE PERSON REPRESENTED

_____ WRONGFUL DEATH

_____ SURVIVORSHIP ACTION

X

ECONOMIC LOSS

(b) Defendants, by their actions or inactions, proximately caused the injuries to Plaintiff.

DEFENDANT-SPECIFIC ALLEGATIONS AND THEORIES OF RECOVERY

10. The following claims and allegations are asserted by Plaintiff and are herein adopted by reference:

X

FIRST CAUSE OF ACTION - NEGLIGENCE;

X

SECOND CAUSE OF ACTION - STRICT LIABILITY;

X

FAILURE TO WARN

X

DEFECTIVE DESIGN AND MANUFACTURE

X

THIRD CAUSE OF ACTION – BREACH OF EXPRESS WARRANTY;

X

FOURTH CAUSE OF ACTION- BREACH OF IMPLIED WARRANTY OF MERCHANTABILITY LAW OF THE STATE OF GEORGIA, GA. CODE ANN. § 11-2-314;

X

FIFTH CAUSE OF ACTION- VIOLATION OF THE MINNESOTA PREVENTION OF CONSUMER FRAUD ACT;

X

SIXTH CAUSE OF ACTION – VIOLATION OF THE MINNESOTA DECEPTIVE TRADE PRACTICES ACT;

X

SEVENTH CAUSE OF ACTION- VIOLATION OF THE MINNESOTA UNLAWFUL TRADE PRACTICES ACT;

X

EIGHTH CAUSE OF ACTION- VIOLATION OF THE

MINNESOTA FALSE ADVERTISING ACT;

X

NINTH CAUSE OF ACTION- CONSUMER FRAUD

AND/OR UNFAIR AND DECEPTIVE TRADE

PRACTICES UNDER LAW OF THE STATE OF

GEORGIA, GA. CODE ANN. § 10-1-372;

X

TENTH CAUSE OF ACTION – NEGLIGENT

MISREPRESENTATION;

X

ELEVENTH CAUSE OF ACTION- FRAUDULENT

MISREPRESENTATION;

X

TWELFTH CAUSE OF ACTION – FRAUDULENT

CONCEALMENT;

THIRTEENTH CAUSE OF ACTION – LOSS OF

CONSORTIUM; and

X

FOURTEENTH CAUSE OF ACTION – UNJUST

ENRICHMENT.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

1. For compensatory damages;
2. Pre-judgment and post-judgment interest;
3. Statutory damages and relief of the state whose laws will govern this action;
4. Costs and expenses of this litigation;
5. Reasonable attorneys' fees and costs as provided by law;
6. Equitable relief in the nature of disgorgement;

7. Restitution of remedy Defendants' unjust enrichment; and
8. All other relief as the Court deems necessary, just and proper.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff hereby demands a trial by jury as to all claims in Complaint so triable.

Dated: July 25, 2017

Respectfully submitted,

KENNEDY HODGES, LLP
By: /s/ David W. Hodges
David W. Hodges
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ATTORNEYS FOR PLAINTIFF

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE: Bair Hugger Forced Air Warming
Products Liability Litigation

MDL No. 15-2666 (JNE/FLN)

PLAINTIFF

GERALDINE QUESINBERRY

VS.

**3M COMPANY AND ARIZANT
HEALTHCARE, INC.**

**MASTER SHORT FORM
COMPLAINT AND JURY TRIAL
DEMAND**

1. Plaintiff, Geraldine Quesinberry, states and brings this civil action in MDL No. 15-2666, entitled *In Re: Bair Hugger Forced Air Warming Products Liability Litigation*. Plaintiff is filing this Short Form Complaint as permitted by Pretrial Order #8 of this Court.

PARTIES, JURISDICTION AND VENUE

2. Plaintiff, Geraldine Quesinberry, is a resident and citizen of the State of West Virginia and claims damages as set forth below.

3. Jurisdiction is proper based upon diversity of Citizenship.

4. Proper Venue: The District Court in which remand trial is proper and where this Complaint would have been filed absent the direct filing order by this Court is the District of Minnesota.

5. Plaintiff brings this action on behalf of herself.

FACTUAL ALLEGATIONS

6. On or about July 19, 2005, Plaintiff underwent surgery during which the Bair Hugger Forced Air Warming system (hereinafter “Bair Hugger”) was used during the course and scope of her right total hip arthroplasty (“THA”) at Memorial University Medical Center in Savannah, Georgia by Dr. Charles Hope.

7. Contaminants introduced into Plaintiff’s open surgical wound as a direct and proximate result of use of the Bair Hugger during the subject surgery resulted in Plaintiff developing a periprosthetic joint infection (“PJI”), also known as a deep joint infection (“DJI”). The pathogen was identified as staphylococcus epidermidis.

8. As a result of Plaintiff’s infection caused by the Bair Hugger, Plaintiff underwent an irrigation and debridement on or about February 20, 2006 at Memorial University Medical Center in Savannah, Georgia by Dr. Charles Hope.

ALLEGATIONS AS TO INJURIES

9. (a) Plaintiff claims damages as a result of:

X INJURY TO HERSELF/HIMSELF

_____ INJURY TO THE PERSON REPRESENTED

_____ WRONGFUL DEATH

_____ SURVIVORSHIP ACTION

X ECONOMIC LOSS

(b) Defendants, by their actions or inactions, proximately caused the injuries to Plaintiff.

DEFENDANT-SPECIFIC ALLEGATIONS AND THEORIES OF RECOVERY

10. The following claims and allegations are asserted by Plaintiff and are herein adopted by reference:

- X FIRST CAUSE OF ACTION - NEGLIGENCE;
- X SECOND CAUSE OF ACTION - STRICT LIABILITY;
- X FAILURE TO WARN
- X DEFECTIVE DESIGN AND MANUFACTURE
- X THIRD CAUSE OF ACTION – BREACH OF EXPRESS WARRANTY;
- X FOURTH CAUSE OF ACTION- BREACH OF IMPLIED WARRANTY OF MERCHANTABILITY LAW OF THE STATE OF GEORGIA, GA. CODE ANN. § 11-2-314;
- X FIFTH CAUSE OF ACTION- VIOLATION OF THE MINNESOTA PREVENTION OF CONSUMER FRAUD ACT;
- X SIXTH CAUSE OF ACTION – VIOLATION OF THE MINNESOTA DECEPTIVE TRADE PRACTICES ACT;
- X SEVENTH CAUSE OF ACTION- VIOLATION OF THE MINNESOTA UNLAWFUL TRADE PRACTICES ACT;
- X EIGHTH CAUSE OF ACTION- VIOLATION OF THE MINNESOTA FALSE ADVERTISING ACT;

X

NINTH CAUSE OF ACTION- CONSUMER FRAUD
AND/OR UNFAIR AND DECEPTIVE TRADE
PRACTICES UNDER LAW OF THE STATE OF
GEORGIA, GA. CODE ANN. § 10-1-372;

X

TENTH CAUSE OF ACTION – NEGLIGENT
MISREPRESENTATION;

X

ELEVENTH CAUSE OF ACTION- FRAUDULENT
MISREPRESENTATION;

X

TWELFTH CAUSE OF ACTION – FRAUDULENT
CONCEALMENT;

THIRTEENTH CAUSE OF ACTION – LOSS OF
CONSORTIUM; and

X

FOURTEENTH CAUSE OF ACTION – UNJUST
ENRICHMENT.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

1. For compensatory damages;
2. Pre-judgment and post-judgment interest;
3. Statutory damages and relief of the state whose laws will govern this action;
4. Costs and expenses of this litigation;
5. Reasonable attorneys' fees and costs as provided by law;
6. Equitable relief in the nature of disgorgement;
7. Restitution of remedy Defendants' unjust enrichment; and

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8. All other relief as the Court deems necessary, just and proper.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff hereby demands a trial by jury as to all claims in Complaint so triable.

Dated: July 27, 2017

Respectfully submitted,

KENNEDY HODGES, LLP
By: /s/ David W. Hodges
David W. Hodges
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Gabriel A. Assaad
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4409 Montrose Blvd. Ste 200
Houston, TX 77006
Telephone: (713) 523-0001
Facsimile: (713) 523-1116

ATTORNEYS FOR PLAINTIFF

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE: Bair Hugger Forced Air Warming
Products Liability Litigation

MDL No. 15-2666 (JNE/FLN)

PLAINTIFF

JOHN R. BENJAMIN

VS.

**3M COMPANY AND ARIZANT
HEALTHCARE, INC.**

**MASTER SHORT FORM
COMPLAINT AND JURY TRIAL
DEMAND**

1. Plaintiff, John R. Benjamin, states and brings this civil action in MDL No. 15-2666, entitled *In Re: Bair Hugger Forced Air Warming Products Liability Litigation*. Plaintiff is filing this Short Form Complaint as permitted by Pretrial Order #8 of this Court.

PARTIES, JURISDICTION AND VENUE

2. Plaintiff, John R. Benjamin, is a resident and citizen of the State of Georgia and claims damages as set forth below.

3. Jurisdiction is proper based upon diversity of Citizenship.

4. Proper Venue: The District Court in which remand trial is proper and where this Complaint would have been filed absent the direct filing order by this Court is the District of Minnesota.

5. Plaintiff brings this action on behalf of himself.

FACTUAL ALLEGATIONS

6. On or about November 13, 2006, Plaintiff underwent surgery during which the Bair Hugger Forced Air Warming system (hereinafter "Bair Hugger") was used during the course and scope of his right total knee arthroplasty ("TKA") at Fannin Regional Hospital, in Blue Ridge, Georgia, by Dr. Douglas Nuelle.

7. Contaminants introduced into Plaintiff's open surgical wound as a direct and proximate result of use of the Bair Hugger during the subject surgery resulted in Plaintiff developing a periprosthetic joint infection ("PJI"), also known as a deep joint infection ("DJI"). The Pathogen was identified as MSSA.

8. As a result of Plaintiff's infection caused by the Bair Hugger, Plaintiff underwent an irrigation and debridement procedure on or about March 15, 2007, repeat irrigation and debridement procedure on or about March 20, 2007, and removal of implant and installation of an antibiotic spacer on or about May 23, 2007, at Fannin Regional Hospital, in Blue Ridge, Georgia, by Dr. Douglas Nuelle.

ALLEGATIONS AS TO INJURIES

9. (a) Plaintiff claims damages as a result of:

X INJURY TO HERSELF/HIMSELF

_____ INJURY TO THE PERSON REPRESENTED

_____ WRONGFUL DEATH

_____ SURVIVORSHIP ACTION

X

ECONOMIC LOSS

(b) Defendants, by their actions or inactions, proximately caused the injuries to Plaintiff.

DEFENDANT-SPECIFIC ALLEGATIONS AND THEORIES OF RECOVERY

10. The following claims and allegations are asserted by Plaintiff and are herein adopted by reference:

X

FIRST CAUSE OF ACTION - NEGLIGENCE;

X

SECOND CAUSE OF ACTION - STRICT LIABILITY;

X

FAILURE TO WARN

X

DEFECTIVE DESIGN AND MANUFACTURE

X

THIRD CAUSE OF ACTION – BREACH OF EXPRESS WARRANTY;

X

FOURTH CAUSE OF ACTION- BREACH OF IMPLIED WARRANTY OF MERCHANTABILITY LAW OF THE STATE OF GEORGIA, GA. CODE ANN. § 11-2-314;

X

FIFTH CAUSE OF ACTION- VIOLATION OF THE MINNESOTA PREVENTION OF CONSUMER FRAUD ACT;

X

SIXTH CAUSE OF ACTION – VIOLATION OF THE MINNESOTA DECEPTIVE TRADE PRACTICES ACT;

X

SEVENTH CAUSE OF ACTION- VIOLATION OF THE MINNESOTA UNLAWFUL TRADE PRACTICES ACT;

X

EIGHTH CAUSE OF ACTION- VIOLATION OF THE

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MINNESOTA FALSE ADVERTISING ACT;

X

NINTH CAUSE OF ACTION- CONSUMER FRAUD

AND/OR UNFAIR AND DECEPTIVE TRADE

PRACTICES UNDER LAW OF THE STATE OF

GEORGIA, GA. CODE ANN. § 10-1-372;

X

TENTH CAUSE OF ACTION – NEGLIGENT

MISREPRESENTATION;

X

ELEVENTH CAUSE OF ACTION- FRAUDULENT

MISREPRESENTATION;

X

TWELFTH CAUSE OF ACTION – FRAUDULENT

CONCEALMENT;

THIRTEENTH CAUSE OF ACTION – LOSS OF

CONSORTIUM; and

X

FOURTEENTH CAUSE OF ACTION – UNJUST

ENRICHMENT.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

1. For compensatory damages;
2. Pre-judgment and post-judgment interest;
3. Statutory damages and relief of the state whose laws will govern this action;
4. Costs and expenses of this litigation;
5. Reasonable attorneys' fees and costs as provided by law;
6. Equitable relief in the nature of disgorgement;

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7. Restitution of remedy Defendants' unjust enrichment; and
8. All other relief as the Court deems necessary, just and proper.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff hereby demands a trial by jury as to all claims in Complaint so triable.

Dated: August 9, 2017

Respectfully submitted,

KENNEDY HODGES, LLP
By: /s/ David W. Hodges
David W. Hodges
dhodges@kennedyhodges.com
Gabriel A. Assaad
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ATTORNEYS FOR PLAINTIFF

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE: Bair Hugger Forced Air Warming
Products Liability Litigation

MDL No. 15-2666 (JNE/FLN)

This Document Relates to All Actions.

PLAINTIFF(S)

Douglas Babb

**AMENDED EXHIBIT B TO
PRETRIAL ORDER #8 –
FIRST AMENDED MASTER SHORT
FORM COMPLAINT AND JURY
TRIAL DEMAND**

VS.

**3M COMPANY AND ARIZANT
HEALTHCARE, INC.**

1. Plaintiff, Douglas Babb, states and brings this civil action in MDL No. 15-2666, entitled *In Re: Bair Hugger Forced Air Warming Products Liability Litigation*. Plaintiff(s) [is/are] filing this Short Form Complaint as permitted by Pretrial Order #8 of this Court.

PARTIES, JURISDICTION AND VENUE

2. Plaintiff, Douglas Babb, is a resident and citizen of the State of Georgia and claims damages as set forth below.

3. Plaintiff's Spouse, _____, is a resident and citizen of the State of _____, and claims damages as set forth below.

[Cross out Spousal Claim if not applicable.]

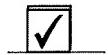
4. Jurisdiction is proper based upon diversity of Citizenship.

5. Proper Venue: The District Court in which remand trial is proper and where

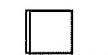
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this Complaint would have been filed absent the direct filing order by this Court is U.S. District Court Middle District of Georgia

6. Plaintiff brings this action [*check the applicable designation*]:



On behalf of [himself/herself];



In a representative capacity as the _____ of the _____ having been duly appointed as the _____ by the _____ Court of _____.

A copy of the Letters of Administration for a wrongful death claim is annexed hereto if such letters are required for the commencement of such a claim by the Probate, Surrogate or other appropriate court of the jurisdiction of the decedent.

[Cross out if not applicable.]

FACTUAL ALLEGATIONS

7. On or about July 5, 2006, Plaintiff underwent surgery

during which the Bair Hugger Forced Air Warming system (hereinafter “Bair Hugger”) was used during the course and scope of [his/her] Right total knee replacement [Type of Surgery] at the Coliseum Medical Center 350 Hospital Drive [medical center and address], in Macon, GA [city and state], by Dr. Derrick Phillips.

8. Contaminants introduced into Plaintiff’s open surgical wound as a direct and proximate result of use of the Bair Hugger during the subject surgery resulted in Plaintiff developing a periprosthetic joint infection (“PJI”), also known as a deep joint infection (“DJI”). The Pathogen identified was _____ (*if known*).

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9. As a result of Plaintiff's infection caused by the Bair Hugger, Plaintiff has undergone _____ [Describe I&D; Debridement with removal and placement of a cement spacer; Above the knee amputation of the right leg treatment(s) received, e.g., revision arthroplasty, wound vac treatment, multiple staged procedures, etc.] on or about _____, at _____ 9/7/2006; 9/21/2006; 10/5/2006 Coliseum Medical Center 350 Hospital Drive, Macon, GA 31217 [medical center(s) and address(es)] by Dr(s). Derrick Phillips [Cross out if not applicable.]

ALLEGATIONS AS TO INJURIES

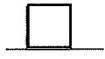
10. (a) Plaintiff claims damages as a result of (check all that are applicable):



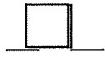
INJURY TO HERSELF/HIMSELF



INJURY TO THE PERSON REPRESENTED



WRONGFUL DEATH

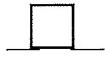


SURVIVORSHIP ACTION

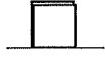


ECONOMIC LOSS

(b) Plaintiff's spouse claims damages as a result of (check all that are applicable): [Cross out if not applicable.]



LOSS OF SERVICES



LOSS OF CONSORTIUM

11. Defendants, by their actions or inactions, proximately caused the injuries to Plaintiff(s).

DEFENDANT-SPECIFIC ALLEGATIONS AND THEORIES OF RECOVERY

12. The following claims and allegations are asserted by Plaintiff(s) and are herein adopted by reference (check all that are applicable):



FIRST CAUSE OF ACTION - NEGLIGENCE;



SECOND CAUSE OF ACTION - STRICT LIABILITY;



FAILURE TO WARN



DEFECTIVE DESIGN AND MANUFACTURE



THIRD CAUSE OF ACTION – BREACH OF EXPRESS WARRANTY;



FOURTH CAUSE OF ACTION- BREACH OF IMPLIED WARRANTY OF MERCHANTABILITY LAW OF THE STATE OF Georgia, O.C.G.A. §§ 11-2-314;



FIFTH CAUSE OF ACTION- VIOLATION OF THE MINNESOTA PREVENTION OF CONSUMER FRAUD ACT;



SIXTH CAUSE OF ACTION – VIOLATION OF THE MINNESOTA DECEPTIVE TRADE PRACTICES ACT;



SEVENTH CAUSE OF ACTION- VIOLATION OF THE MINNESOTA UNLAWFUL TRADE PRACTICES ACT;



EIGHTH CAUSE OF ACTION- VIOLATION OF THE MINNESOTA FALSE ADVERTISING ACT;



NINTH CAUSE OF ACTION- CONSUMER FRAUD AND/OR UNFAIR AND DECEPTIVE TRADE PRACTICES UNDER LAW OF THE STATE OF Georgia, O.C.G.A. §§ 10-1-390 et seq.;



TENTH CAUSE OF ACTION – NEGLIGENT MISREPRESENTATION;



ELEVENTH CAUSE OF ACTION- FRAUDULENT MISREPRESENTATION;



TWELFTH CAUSE OF ACTION – FRAUDULENT CONCEALMENT;



THIRTEENTH CAUSE OF ACTION – LOSS OF CONSORTIUM; and



FOURTEENTH CAUSE OF ACTION – UNJUST ENRICHMENT.

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In addition to the above, Plaintiff(s) assert the following additional causes of action under applicable state law:

[Cross out if not applicable.]

PRAYER FOR RELIEF

WHEREFORE, Plaintiff(s) pray for judgment against Defendants as follows:

1. For compensatory damages;
2. Pre-judgment and post-judgment interest;
3. Statutory damages and relief of the state whose laws will govern this action;
4. Costs and expenses of this litigation;
5. Reasonable attorneys' fees and costs as provided by law;
6. Equitable relief in the nature of disgorgement;
7. Restitution of remedy Defendants' unjust enrichment; and
8. All other relief as the Court deems necessary, just and proper.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff(s) hereby demand(s) a trial by jury as to all claims in Complaint so triable.

Dated: 10/20/2017

Respectfully submitted,
DAVIS & CRUMP, P.C.
/s/ Martin D. Crump
Martin D. Crump (MSB #10652)
Robert D. Cain, Jr. (MSB #104283)
2601 Fourteenth Street
5 Gulfport, MS 39507
Phone: (228) 863-6000

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE: Bair Hugger Forced Air Warming
Products Liability Litigation

MDL No. 15-2666 (JNE/FLN)

PLAINTIFF

GARY BENTSON

VS.

**3M COMPANY AND ARIZANT
HEALTHCARE, INC.**

**MASTER SHORT FORM
COMPLAINT AND JURY TRIAL
DEMAND**

1. Plaintiff, Gary Bentson, states and brings this civil action in MDL No. 15-2666, entitled *In Re: Bair Hugger Forced Air Warming Products Liability Litigation*. Plaintiff is filing this Short Form Complaint as permitted by Pretrial Order #8 of this Court.

PARTIES, JURISDICTION AND VENUE

2. Plaintiff, Gary Bentson, is a resident and citizen of the State of Georgia and claims damages as set forth below.

3. Jurisdiction is proper based upon diversity of Citizenship.

4. Proper Venue: The District Court in which remand trial is proper and where this Complaint would have been filed absent the direct filing order by this Court is the District of Minnesota.

5. Plaintiff brings this action on behalf of himself.

FACTUAL ALLEGATIONS

6. On or about March 9, 2005, Plaintiff underwent surgery during which the Bair Hugger Forced Air Warming system (hereinafter "Bair Hugger") was used during the course and scope of his right total knee arthroplasty ("TKA") at Houston Medical Center, in Warner Robins, Georgia, by Dr. J.W. Spivey, Jr.

7. Contaminants introduced into Plaintiff's open surgical wound as a direct and proximate result of use of the Bair Hugger during the subject surgery resulted in Plaintiff developing a periprosthetic joint infection ("PJI"), also known as a deep joint infection ("DJI"). The Pathogen was not identified.

8. As a result of Plaintiff's infection caused by the Bair Hugger, Plaintiff underwent irrigation and debridement surgery on or about March 19, 2005, revision surgery on or about January 1, 2011, and removal of implant and installation of an antibiotic spacer on or about August 20, 2012, at Houston Medical Center, in Warner Robins, Georgia, by Dr. J.W. Spivey, Jr. and Dr. Todd Kinnebrew.

ALLEGATIONS AS TO INJURIES

9. (a) Plaintiff claims damages as a result of:

X INJURY TO HERSELF/HIMSELF

_____ INJURY TO THE PERSON REPRESENTED

_____ WRONGFUL DEATH

_____ SURVIVORSHIP ACTION

X

ECONOMIC LOSS

(b) Defendants, by their actions or inactions, proximately caused the injuries to Plaintiff.

DEFENDANT-SPECIFIC ALLEGATIONS AND THEORIES OF RECOVERY

10. The following claims and allegations are asserted by Plaintiff and are herein adopted by reference:

X

FIRST CAUSE OF ACTION - NEGLIGENCE;

X

SECOND CAUSE OF ACTION - STRICT LIABILITY;

X

FAILURE TO WARN

X

DEFECTIVE DESIGN AND MANUFACTURE

X

THIRD CAUSE OF ACTION – BREACH OF EXPRESS WARRANTY;

X

FOURTH CAUSE OF ACTION- BREACH OF IMPLIED WARRANTY OF MERCHANTABILITY LAW OF THE STATE OF GEORGIA, GA. CODE ANN. § 11-2-314;

X

FIFTH CAUSE OF ACTION- VIOLATION OF THE MINNESOTA PREVENTION OF CONSUMER FRAUD ACT;

X

SIXTH CAUSE OF ACTION – VIOLATION OF THE MINNESOTA DECEPTIVE TRADE PRACTICES ACT;

X

SEVENTH CAUSE OF ACTION- VIOLATION OF THE MINNESOTA UNLAWFUL TRADE PRACTICES ACT;

X

EIGHTH CAUSE OF ACTION- VIOLATION OF THE

MINNESOTA FALSE ADVERTISING ACT;

X

NINTH CAUSE OF ACTION- CONSUMER FRAUD

AND/OR UNFAIR AND DECEPTIVE TRADE

PRACTICES UNDER LAW OF THE STATE OF

GEORGIA, GA. CODE ANN. § 10-1-372;

X

TENTH CAUSE OF ACTION – NEGLIGENT

MISREPRESENTATION;

X

ELEVENTH CAUSE OF ACTION- FRAUDULENT

MISREPRESENTATION;

X

TWELFTH CAUSE OF ACTION – FRAUDULENT

CONCEALMENT;

—

THIRTEENTH CAUSE OF ACTION – LOSS OF

CONSORTIUM;

X

FOURTEENTH CAUSE OF ACTION – UNJUST

ENRICHMENT; and

X

FIFTEENTH CAUSE OF ACTION – PUNITIVE

DAMAGES.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

1. For compensatory damages;
2. Pre-judgment and post-judgment interest;
3. Statutory damages and relief of the state whose laws will govern this action;
4. Costs and expenses of this litigation;

5. Reasonable attorneys' fees and costs as provided by law;
6. Equitable relief in the nature of disgorgement;
7. Restitution of remedy Defendants' unjust enrichment;
8. Punitive damages; and
9. All other relief as the Court deems necessary, just and proper.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff hereby demands a trial by jury as to all claims in Complaint so triable.

Dated: December 7, 2017

Respectfully submitted,

KENNEDY HODGES, LLP
By: /s/ David W. Hodges
David W. Hodges
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Gabriel A. Assaad
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Houston, TX 77006
Telephone: (713) 523-0001
Facsimile: (713) 523-1116

ATTORNEYS FOR PLAINTIFF

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE: Bair Hugger Forced Air Warming
Products Liability Litigation

MDL No. 15-2666 (JNE/FLN)

PLAINTIFF

ROBERT ROMMER

VS.

**3M COMPANY AND ARIZANT
HEALTHCARE, INC.**

**MASTER SHORT FORM
COMPLAINT AND JURY TRIAL
DEMAND**

1. Plaintiff, Robert Rommer, states and brings this civil action in MDL No. 15-2666, entitled *In Re: Bair Hugger Forced Air Warming Products Liability Litigation*. Plaintiff is filing this Short Form Complaint as permitted by Pretrial Order #8 of this Court.

PARTIES, JURISDICTION AND VENUE

2. Plaintiff, Robert Rommer, is a resident and citizen of the State of Georgia and claims damages as set forth below.

3. Jurisdiction is proper based upon diversity of Citizenship.

4. Proper Venue: The District Court in which remand trial is proper and where this Complaint would have been filed absent the direct filing order by this Court is the District of Minnesota.

5. Plaintiff brings this action on behalf of himself.

FACTUAL ALLEGATIONS

6. On or about November 12, 2007, Plaintiff underwent surgery during which the Bair Hugger Forced Air Warming system (hereinafter “Bair Hugger”) was used during the course and scope of his right total knee arthroplasty (“TKA”) at Piedmont Hospital, in Atlanta, Georgia by Dr. Allen McDonald, III.

7. Contaminants introduced into Plaintiff’s open surgical wound as a direct and proximate result of use of the Bair Hugger during the subject surgery resulted in Plaintiff developing a periprosthetic joint infection (“PJI”), also known as a deep joint infection (“DJI”). The pathogen was identified as staphylococcus epidermidis and coagulase-negative staphylococcus.

8. As a result of Plaintiff’s infection caused by the Bair Hugger, Plaintiff underwent an irrigation and debridement on or about November 26, 2007 at Piedmont Hospital in Atlanta, Georgia by Dr. Allen McDonald, III. Plaintiff underwent removal of prosthesis and insertion of an antibiotic spacer on or about August 4, 2008, and reimplantation of prosthesis on or about December 15, 2008 at Piedmont Hospital in Atlanta, Georgia by Dr. Allen McDonald, III. Due to recurrent infection, Plaintiff underwent an irrigation and debridement on or about August 8, 2011 at Piedmont Hospital in Atlanta, Georgia by Dr. Allen McDonald, III. Plaintiff underwent removal of the prosthesis and insertion of antibiotic spacer on or about March 6, 2013 at Piedmont Hospital in Atlanta, Georgia by Dr. Allen McDonald, III.

ALLEGATIONS AS TO INJURIES

9. (a) Plaintiff claims damages as a result of:

X

INJURY TO HERSELF/HIMSELF

INJURY TO THE PERSON REPRESENTED

WRONGFUL DEATH

SURVIVORSHIP ACTION

X

ECONOMIC LOSS

(b) Defendants, by their actions or inactions, proximately caused the injuries to Plaintiff.

DEFENDANT-SPECIFIC ALLEGATIONS AND THEORIES OF RECOVERY

10. The following claims and allegations are asserted by Plaintiff and are herein adopted by reference:

X

FIRST CAUSE OF ACTION - NEGLIGENCE;

X

SECOND CAUSE OF ACTION - STRICT LIABILITY;

X

FAILURE TO WARN

X

DEFECTIVE DESIGN AND MANUFACTURE

X

THIRD CAUSE OF ACTION – BREACH OF EXPRESS WARRANTY;

X

FOURTH CAUSE OF ACTION- BREACH OF IMPLIED WARRANTY OF MERCHANTABILITY LAW OF THE STATE OF GEORGIA, GA. CODE ANN. § 11-2-314;

X

FIFTH CAUSE OF ACTION- VIOLATION OF THE

MINNESOTA PREVENTION OF CONSUMER FRAUD

ACT;

X SIXTH CAUSE OF ACTION – VIOLATION OF THE

MINNESOTA DECEPTIVE TRADE PRACTICES ACT;

X SEVENTH CAUSE OF ACTION- VIOLATION OF THE

MINNESOTA UNLAWFUL TRADE PRACTICES ACT;

X EIGHTH CAUSE OF ACTION- VIOLATION OF THE

MINNESOTA FALSE ADVERTISING ACT;

X NINTH CAUSE OF ACTION- CONSUMER FRAUD

AND/OR UNFAIR AND DECEPTIVE TRADE

PRACTICES UNDER LAW OF THE STATE OF

GEORGIA, GA. CODE ANN. § 10-1-372;

X TENTH CAUSE OF ACTION – NEGLIGENT

MISREPRESENTATION;

X ELEVENTH CAUSE OF ACTION- FRAUDULENT

MISREPRESENTATION;

X TWELFTH CAUSE OF ACTION – FRAUDULENT

CONCEALMENT;

 THIRTEENTH CAUSE OF ACTION – LOSS OF

CONSORTIUM;

X FOURTEENTH CAUSE OF ACTION – UNJUST

ENRICHMENT; and

X FIFTEENTH CAUSE OF ACTION – PUNITIVE

DAMAGES.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

1. For compensatory damages;
2. Pre-judgment and post-judgment interest;
3. Statutory damages and relief of the state whose laws will govern this action;
4. Costs and expenses of this litigation;
5. Reasonable attorneys' fees and costs as provided by law;
6. Equitable relief in the nature of disgorgement;
7. Restitution of remedy Defendants' unjust enrichment;
8. Punitive damages; and
9. All other relief as the Court deems necessary, just and proper.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff hereby demands a trial by jury as to all claims in Complaint so triable.

Dated: January 5, 2018

Respectfully submitted,

KENNEDY HODGES, LLP
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